

**Remarks:**

Reconsideration of the application is respectfully requested.

Claims 1, 4, 7 and 13 are presently pending in the application.

On page 2 of the above-identified Office Action, claims 1, 4, 7, and 13 were rejected as allegedly being obvious under 35 U.S.C. § 103(a) over U. S. Patent No. 5,845,096 to Munguia ("MUNGUIA") in view of U. S. Patent No. 6,473,817 to Jeddeloh ("JEDDELOH").

Applicant respectfully traversed the above rejection, in detail, in the Response filed on January 10, 2005, that response being incorporated herein. Applicant further traverses the rejection of claim 1, 4, 7 and 13, on the basis that the JEDDELOH reference is not properly applicable against Applicant's claimed invention.

Applicant respectfully notes that the JEDDELOH reference has an effective date as a reference of October 15, 1998. See 35 U.S.C § 102(e). As set forth in the Declaration Under 37 C.F.R. § 1.131, an unsigned copy of which is enclosed herewith, the invention of the instant application was "reduced to practice" at least as early as October 14, 1998. A signed copy of the Declaration will be forwarded to the

Patent Office, as soon as possible. The enclosed corroborating evidence substantiates that the inventor, Andreas Wenzel, invented and "reduced to practice" the claimed invention of the instant application at least as early as October 14, 1998, which is prior to JEDDELOH's October 15, 1998 effective date as a reference. See MPEP § 2141.01. In fact, the enclosed Erfindungsmeldung (Invention Disclosure) was completed on January 14, 1998 in Germany, a WTO member country. JEDDELOH's patent publication date of January 3, 2002 is subsequent to applicant's U.S. filing date of June 7, 2001 of the instant application. Because JEDDELOH is not a statutory bar and its effective date as a reference is after the date that the present invention was "reduced to practice," as evidenced by the Rule 131 Declaration enclosed herewith, applicant respectfully believes that JEDDELOH is unavailable as prior art.

Accordingly, Applicant respectfully believes that a date of prior invention has been established and JEDDELOH is unavailable as prior art. Therefore, applicant respectfully submits that the Section 103 rejection on page 2 of the Office Action is now moot and requests that the Examiner withdraw the rejection.

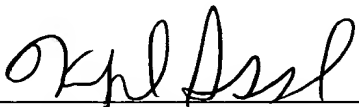
In view of the foregoing, reconsideration and allowance of claims 1, 4, 7 and 13 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
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For Applicant

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